

BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION
ASSESSMENT APPEALS COMMISSION

Appeal of:)
)
RICHARD L. MAGEVNEY) Shelby
Ward 57, Block 1, Parcel 60) County
Residential Property)
Tax Years 2005-2006)

FINAL DECISION AND ORDER

Statement of the case

This is an appeal by the taxpayer from the initial decision and order of the administrative judge, who determined the subject property should be assessed as follows:

Land value	Improvement	Total value	Assessment
\$400,000	\$156,000	\$556,000	\$139,000

The appeal was heard in Memphis on April 24, 2007 before Commission members Brooks (presiding), Jones and Wade.¹ Mr. Magevney represented himself, and the assessor was represented by John Zelinka and Nathan Chamness of her staff.

Findings of fact and conclusions of law

The subject property is a home and nearly half acre lot on Gwynn Road in Memphis. Mr. Magevney testified his home had not been renovated in the many years since its construction and it was a likely candidate for "tear-down" by a prospective buyer since this had occurred often in other instances. He complains the assessor used renovation sales among the comparable sales presented during the appeal hearings. He testified a value for his property of \$400,000-\$425,000 was indicated on the basis of vacant lot sales on his street averaging \$9-12 per square foot (land area).

The assessor's staff testified that both tear-downs and renovations had occurred in the area, and adjusted comparable sales supported a value from \$544,000-\$594,000 for Mr. Magevney's home and lot.

The Commission finds that weighing the evidence offered by both the taxpayer and the assessor, the comparable sales analysis presented by the assessor is the more persuasive. These sales do not require us to presume that the home will be torn down, whereas the comparables offered by Mr. Magevney assume his house contributes nothing to the property value. Moreover, even if we assume the property is a tear-down,

¹ Mr. Jones and Mr. Wade sat as alternates for absent members, pursuant to Tenn. Code Ann. §4-5-302.

land value is not always directly proportional to area. Without expert analysis we are hesitant to conclude too much from the sales of lots three times the size of the subject.

Mr. Magevney requested at the hearing that his appeal be amended to include tax year 2006 since the time to appeal to the county board of equalization had run during the pendency of the appeal to the State Board of Equalization. The assessor neither opposed nor supported the request. The Commission finds it is its usual practice to grant such requests, and the appeal will include 2006 unless the assessor subsequently demonstrates good cause to reconsider our action upon a timely petition.

ORDER

It is therefore ORDERED, that the initial decision and order of the administrative judge is affirmed, and the value and assessment determined as follows:

Land value	Improvement	Total value	Assessment
\$400,000	\$156,000	\$556,000	\$139,000

This order is subject to:

1. Reconsideration by the Commission, in the Commission's discretion.

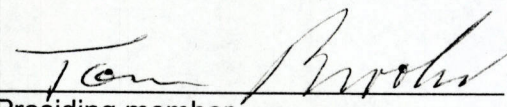
Reconsideration must be requested in writing, stating specific grounds for relief and the request must be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.

2. Review by the State Board of Equalization, in the Board's discretion. This review must be requested in writing, state specific grounds for relief, and be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.

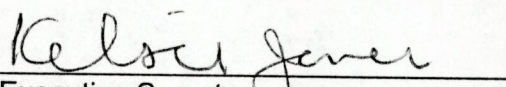
3. Review by the Chancery Court of Davidson County or other venue as provided by law. A petition must be filed within sixty (60) days from the date of the official assessment certificate which will be issued when this matter has become final.

Requests for stay of effectiveness will not be accepted.

DATED: July 5, 2007


Presiding member

ATTEST:


Executive Secretary

cc: Mr. Richard Magevney
Ms. Rita Clark, Assessor